

**ENVIRONMENTAL PROTECTION  
OFFICE OF AIR QUALITY MANAGEMENT  
Notice of Administrative Corrections  
Control and Prohibition of Air Pollution by Vehicular Fuels**

**Proposed Amendments:** N.J.A.C. 7:27-25.1, 25.2, 25.3, 25.4, 25.8, 25.9, 25.11 and 30.13;  
and 7:27A-3.10  
**Proposed New Rules:** N.J.A.C. 7:27-25.8, 25.9 and 25.10  
**Proposed Repeals:** N.J.A.C. 7:27-25.6 and 25.7

**Take notice** that the New Jersey Department of Environmental Protection (“Department”) is correcting the proposed amendments, new rules and repeals to N.J.A.C. 7:27-25, 7:27-30, and 7:27A-3.10, which were published in the New Jersey Register on November 16, 1998 at 30 N.J.R. 4015(a), regarding a new low emission gasoline program. These corrections will do the following: 1) delay the implementation date of Phase I of the low emission gasoline program to June 1, 1999 from May 1, 1999; 2) modify compliance with the proposed standards from a “per gallon” basis to an “averaged” basis; and 3) limit NO<sub>x</sub> emission standards to Phase II of the low emission gasoline program. The Department is making these corrections to the original low emission gasoline program proposal to afford greater lead time and flexibility in compliance with, and enforcement of the low emission gasoline program standards.

Because the correction delays implementation of the Phase I VOC standards until June 1, 1999 and removes the Phase I NO<sub>x</sub> standards, the low emission gasoline program will realize fewer VOC emission reduction benefits in 1999 and will realize no NO<sub>x</sub> emission reduction benefits during Phase I. While the overall positive social, economic and environmental impacts of the proposed program will thus be somewhat diminished, these program impacts will still be positive ones, as described in the Department’s original proposal. In addition, while the low emission gasoline program will still exceed Federal standards for VOC and NO<sub>x</sub> emissions during Phase II, it will now, as corrected, only exceed Federal standards for NO<sub>x</sub> emissions during Phase II and will not exceed Federal standards for VOC emissions during May 1999. Finally, delayed implementation of the Phase I VOC standards and removal of the Phase I NO<sub>x</sub> standards will not require corrections or revisions to the Jobs or Agriculture Industry Impact Statements or the Regulatory Flexibility Analysis contained in the original proposal.

The Department had originally scheduled a **public hearing** concerning the low emission gasoline proposal to be held at 10:00 A.M. on Friday, December 18, 1998. The Department is hereby **rescheduling this hearing** to be held at 10:00 A.M. on Monday, January 11, 1999 at:

First Floor Hearing Room  
Department of Environmental Protection  
401 East State Street  
Trenton, New Jersey

**At this hearing, the Department will also take comment on a proposed revision to New Jersey’s Ozone State Implementation Plan (SIP)** which includes both the Department’s low emission

gasoline program proposal, as corrected herein, and a proposed Clean Air Act Section 211(c)(4) Waiver Request.

The Department will accept written comments on the original low emission gasoline proposal as corrected herein and the proposed Ozone SIP Revision until close of business January 14, 1999 addressed as follows:

Ann Zeloof, Esq.

Attention: DEP Docket No. 28-98-10/676 (comments on proposal and correction thereto)  
AND/OR

Attention: DEP Docket No. 33-98-11/681 (comments on the proposed ozone SIP revision)  
Office of Legal Affairs

Department of Environmental Protection

P.O. 402

Trenton, New Jersey 08625-0402

Copies of the proposed Ozone SIP Revision are available for inspection at the following locations:

Department of Environmental Protection  
Public Information Center, 1st Floor  
401 E. State Street  
Trenton, New Jersey 08625

DEP Bureau of Enforcement  
Central Region  
Horizon Center, P.O. Box 407  
Robbinsville, N.J. 08625-0407

DEP Bureau of Enforcement  
Northern Region  
1259 Route 46 East  
Parsippany, N.J. 07054-4191

DEP Bureau of Enforcement  
Metropolitan Region  
2 Babcock Place  
West Orange, N.J. 07052-5504

DEP Bureau of Enforcement  
Southern Region  
2 Riverside Drive, Suite 201  
Camden, N.J. 08103

Trenton Public Library  
120 Academy Street  
Trenton, N.J. 08608

Atlantic City Public Library  
1 North Tennessee Avenue  
Atlantic City, N.J. 08401

Newark Public Library  
5 Washington Street  
P.O. Box 630  
Newark, N.J. 07102-0630

Penns Grove/ Carney's Point Public  
Library Association  
222 South Broad Street  
Penns Grove, N.J. 08069

Burlington County Library  
3 Pioneer Blvd. and Woodlane Rd.  
Mt. Holly, N.J. 08060

New Brunswick Free Public Library  
60 Livingston Avenue  
New Brunswick, N.J. 08901

Joint Free Public Library  
Morristown & Morris County  
1 Miller Road  
Morristown, N.J. 07960

Archibald Stevens  
Alexander Library, Rutgers University  
69 College Avenue  
New Brunswick, N.J. 08903

Burlington City Library  
23 West Union Street  
Burlington, N.J. 08016

Freehold Public Library  
28½ East Main Street  
Freehold, N.J. 07728

Perth Amboy Public Library  
193 Jefferson Street  
Perth Amboy, N.J. 08861

Somerville Public Library  
35 W. End Avenue  
Somerville, N.J. 08876

Toms River Public Library  
101 Washington Street  
Toms River, N.J. 08753-7625

Camden Free Public Library  
418 Fredericks Street  
Camden, N.J. 08103

Copies of the proposal, the correction and the proposed Ozone SIP revision can be downloaded electronically from the Department's Air Quality Regulations Bulletin Board. The compressed files, LEGPROP.ZIP and LEGPSIP.ZIP, contain WordPerfect® 5.1 and ASCII documents and are located in file area #35 (Air: Props, Adopts, & Notices). The data line number for the Bulletin Board is (609) 292-2006. (Data bit: 8; Parity: N; Stop bit: 1) Air Quality Management rules, proposals, adoptions and SIP revisions are also available from the Office of Air Quality Management's website at: <http://www.state.nj.us/dep/aqm>.

In addition, copies of these documents may also be obtained from Lori McGee at the Office of Air Quality Management at (609) 777-1345, fax: (609) 633-6198 or e-mail: [lmcgee@dep.state.nj.us](mailto:lmcgee@dep.state.nj.us).

**Full text** of the corrections follows (additions to the proposal indicated in boldface **thus**; deletions from proposal indicated in brackets [thus])

## **7:27-25.2 Scope and applicability**

(a) - (b) (No change from proposal.)

(c) The low emission gasoline standards for VOC, NO<sub>x</sub>, and sulphur set forth at N.J.A.C. 7:27-25.8(c), (d), (e) [, (f)] and [(g)] **(f)** apply only to a refiner, importer, blender, or distributor who sells or otherwise provides gasoline to one or more distributors, retailers, and/or wholesale purchaser-consumers in New Jersey.

(d) The Phase II low emission gasoline standards at N.J.A.C. 7:27-25.8(d), [(f)] **(e)** and [(g)] **(f)** shall not be operative until the following actions have been taken:

1. - 2. (No change from proposal.)

#### **7:27-25.8 Low emission gasoline standards: general provisions**

- (a) - (b) (No change from proposal.)
- (c) No person subject to this section shall, **from June 1, 1999 through September 15, 1999, inclusive and** during the ozone seasons of [1999,] 2000, 2001 and 2002, inclusive, provide gasoline to a distributor, retailer or wholesale purchaser-consumer in New Jersey unless the gasoline meets, on [a per-gallon] **an averaged** basis, one of the following VOC standards:
1. - 2. (No change from proposal.)
- (d) No person subject to this section shall, during the ozone season of 2003 and every ozone season thereafter, provide gasoline to a distributor, retailer or wholesale purchaser-consumer in New Jersey unless the gasoline meets, on [a per-gallon] **an averaged** basis, a VOC emission performance reduction standard of 28.4 percent from baseline gasoline as described at 40 C.F.R. 80.45.
- [(e)] No person subject to this section shall, during the ozone seasons of 1999, 2000, 2001 and 2002, inclusive, provide gasoline to a distributor, retailer or wholesale purchaser-consumer in New Jersey unless the gasoline meets, on a per-gallon basis, a NO<sub>x</sub> emission performance reduction standard of 8.6 percent from baseline gasoline as described at 40 C.F.R. 80.45.]
- [(f)] ~~(e)~~ No person subject to this section shall, during the ozone season of 2003 and every ozone season thereafter, provide gasoline to a distributor, retailer or wholesale purchaser-consumer in New Jersey unless the gasoline meets, on [a per-gallon] **an averaged** basis, a NO<sub>x</sub> emission performance reduction standard of 11.0 percent from baseline gasoline as described at 40 C.F.R. 80.45.
- [(g)] ~~(f)~~ (No change in text from proposal.)

#### **7:27-25.9 Low emission gasoline standards: recordkeeping and compliance determinations**

- (a) Any importer, refiner, or blender shall, in regards to all gasoline subject to the requirements set forth at N.J.A.C. 7:27-25.8(c), (d), (e)[, (f)] and [(g) above] **(f)**:
1. - 5. (No change from proposal.)
- (b) Any distributor shall, in regards to all gasoline subject to the requirements set forth at N.J.A.C. 7:27-25.8(c), (d), (e)[, (f)] and [(g) above] **(f)**, maintain records to show compliance with said requirements.
- (c) Compliance with the VOC and NO<sub>x</sub> emission performance reduction standards in N.J.A.C. 7:27-25.8(c), (d)[, (e)] and [(f) above] **(e)** shall be determined using the RFG Complex Model set forth at 40 C.F.R. 80.45.

(d) - (e) (No change in proposal.)

#### **7:27-25.10 Low emission gasoline standards: use of credits for compliance**

(a) Any person subject to the VOC and NO<sub>x</sub> emission standards for gasoline set forth in N.J.A.C. 7:27-25.8(c), (d)[, (e)] and [(f)] (e), may use discrete emission reduction (DER) credits, in full or in part, to comply with the standard, provided that the generation of the DER credits and the use of the DER credits are carried out in accordance with N.J.A.C. 7:27-30, Open Market Emissions Trading, except as specifically modified by this section.

(b) (No change from proposal.)

(c) In preparing the Notice of Intent to Use DER Credits, the credit user shall ensure that the Notice requirements at N.J.A.C. 7:27-30.14, 30.16 and 30.20 are met, except that such a Notice submitted for the purpose of complying with a low emission gasoline standard set forth in N.J.A.C. 7:27-25.8(c), (d)[, (e)] and [(f)] (e) is subject to the conditions and exemptions given in (d) through (j) below.

(d) - (g)(No change from proposal.)

(h) Any DER credits used to satisfy the conditions of N.J.A.C. 7:27-25.8(c), (d), [(e)] or [(f)] (e) shall be based on emission reductions that occurred during the 1998 or later ozone seasons.

(i) - (j) (No change from proposal.)

### **SUBCHAPTER 30. OPEN MARKET EMISSIONS TRADING**

#### **7:27-30.13 DER use: required, authorized and prohibited uses**

(a) (No change.)

(b) A person may use DERs to comply with an emission limit established under this chapter, unless the use is prohibited by Federal or State law or is listed under (d) below. Examples of authorized DER uses include:

1. - 5. (No change from proposal.)

6. Compliance with the low emission gasoline standards set forth at N.J.A.C. 7:27-25.8(c), (d)[, (e)] and [(f)] (e), provided that the provisions set forth at N.J.A.C. 7:27-25.10 are met.

(c) - (e)(No change from proposal.)

## **7:27A-3.10 Civil administrative penalties for violation of rules adopted pursuant to the Act**

(a) - (m) (No change from proposal.)

### **CIVIL ADMINISTRATIVE PENALTY SCHEDULE**

1. - 24. (No change.)

25. The violations of N.J.A.C. 7:27-25, Control and Prohibition of Air Pollution by Vehicular Fuels, and the civil administrative penalty amounts for each violation, are as set forth in the following table:

<u>Citation</u>	<u>Class</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
...					
N.J.A.C. 7:27-25.8(c), (d) , (e), (f) and (g) (f)	Less than 15,000 gallon tank capacity	\$2,000	\$4,000	\$10,000	\$30,000
	From 15,000 up to 50,000 gallon tank capacity.	\$4,000	\$8,000	\$20,000	\$50,000
	From 50,000 up to 500,00 gallon tank capacity.	\$8,000	\$16,000	\$40,000	\$50,000
	Greater than 500,000 gallon tank capacity.	\$10,000	\$20,000	\$50,000	\$50,000

26. - 31. (No change.)

(n) - (p) (No change.)